

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14510 of 2004

Between:

K. Venu Madhav Reddy, S/o.Narayana Reddy, M/s Divya Sai Rice Traders, H.No. 1-9-199, Kushaiguda, Kesera Mandal, Ranga Reddy District.

..... PETITIONER

AND

The Collector (Civil Supplies), Ranga Reddy District at Lakdikapool, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of certiorari to call for the records No. A7/910/2001 dated 25-5-2004 of the respondent and quash the same.

Counsel for the Petitioner: MR.V.H.V.R.R.SWAMY

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

This writ petition is filed aggrieved by the proceedings of the Respondent - Collector (Civil Supplies), Ranga Reddy District, dated 25.05.2004 whereunder the petitioner was directed to remit a sum of Rs.40,400/- towards the value of the stocks confiscated.

As can be seen from the material on record, the Respondent, who is the competent authority under Section 6-A of the Essential Commodities Act, by order dated 03.11.2001 confiscated 40% of the value of the seized stocks worth Rs.40,400/-. Since the petitioner failed to remit the said amount even after 3 years from the date of confiscation, the impugned memo dated 25-05-2004 has been directing the petitioner to remit the said amount, failing which the seized stocks will be put to auction.

The only contention raised by the petitioner is that against the order of confiscation, dated 03.11.2001, he has already preferred an appeal along with an application for condoning the delay and the same is pending before the District Judge, Ranga Reddy District, and therefore in the meanwhile, the respondents ought not to have directed him to remit the value of the seized stock.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

Admittedly, the petitioner has availed the statutory remedy of Appeal against the order of confiscation and the same is pending before the District Judge, Ranga Reddy District. Hence, it is not open to him to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India to restrain the respondent from selling the confiscated stock. It is for the petitioner to pursue the proceedings

pending before the Appellate Authority and to seek necessary relief even with regard to the impugned memo.

Accordingly, the writ petition is dismissed. No costs.

17.08.2004

VGB

Sd/- S. VARALAKSHMI,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To

1. The Collector (Civil Supplies), Ranga Reddy District at Lakdikapool, Hyderabad.
2. The District Judge, Rangareddy District.
- 3 2CCs to the Government Pleader for Civil Supplies, High Court Buildings,
Hyderabad (OUT)
4. 2CD copies

Kul.

Dt: 17-8-2004

Order

W.P.No. 14510 of 2004

Dismissing the W.P. without costs. At the
Admission stage.